

REMARKS

Claims 23 to 25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 196 40 393 A1 to Kraus et al. (hereinafter “Kraus”), in view of Applicant’s Admitted Prior Art (Specification Page 1, hereinafter “AAPA”), and Patent No. WO/2003/065380 A1 to Georgii (hereinafter “Georgii”). Claim 33 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus in view of AAPA and Georgii.

Claims 23, 32 and 33 have been amended to correct grammatical errors. Claim 31 has been amended as suggested by the Examiner.

Reconsideration of the application based on the following remarks is respectfully requested.

35 U.S.C. §112 Rejections

Claims 23 to 25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 has been amended to recite that the shape and dimension are for one fuel assembly as suggested by the Examiner. Applicant thanks the Examiner for noting this issue and the helpful suggestion.

With respect to loading location in claim 23, line 17, claim 23 at lines 16 and 17 recites “inserting the leaky fuel rods in the pool one by one into empty ones of the plurality of capsules in the loading structure at at least one loading location.” It is respectfully submitted that this language is clear and definite: the loading location is in the loading structure. Applicant thus is unsure of the actual confusion. Applicant thus believes that no amendment is necessary, and respectfully requests that language be considered definite. However, should the Examiner feel amendment is necessary, the Examiner’s assistance is requested. For example, Applicants would be fine with an Examiner’s amendment stating “inserting the leaky fuel rods in the pool one by one into empty ones of the plurality of capsules in the loading structure at at least one loading location in the loading structure.” Applicant’s however believe the original language to mean the same thing.

Withdrawal of the rejections to claims 23 to 25, under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 U.S.C. §103(a) Rejections

Claims 23, 32 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus, in view of AAPA and Georgii.

Kraus discloses “a sheath 8 ..is located under water in a socket 40.” See Translation, Page 9, lines 11 to 12. Socket bottom 41 has a feedthrough which leads to a hose 46. See Fig. 4. “[T]he water is suctioned out of the two cylinders 43 through the connecting line 46, after which the cylinders 43 are filled with air.” See Page 12, last three lines.

Georgii discloses a concrete body container device.

Claims 23, 32 and claim 33 require “placing a loading structure in the pool.”

It is respectfully requested that the Examiner re-review Kraus in its entirety, and the Applicant thanks the Examiner for his help in the past and for his fairness in reviewing these issues. There appear, it is respectfully submitted, to be several misunderstandings regarding Kraus, and, it is respectfully hoped that a fair consideration will result in allowance of the present claims over the prior art:

It is respectfully submitted that Kraus does not show placing socket 40 in the pool as recited at page 5, line 6 and page 8, last two lines of the Office Action. The water mentioned in Kraus is inside socket 40 as evidenced by hose 46 and the clear language of Kraus, which mentions that sheath 8 is underwater in socket 40. Thus socket 40 is not, was not, and need not have been, in any pool as claimed in claims 23, 32 and 33, but rather simply holds water.

Furthermore, it is respectfully submitted that the statement at page 11, last three lines of the Office Action “hence (Figure 2) element 40 must have been placed in a body of water” is not true and not understood. Clearly, water could be added inside socket 40 via hose 46 for example, so element 40 need not have been placed in a body of water. With the present invention, the loading structure is in a pool. There is absolutely no teaching or disclosure in Kraus that the structure 40 is surrounded by water or in a pool as claimed, nor does it appear likely from a full reading of Kraus that structure 40 ever was in a pool.

Moreover, the defined pool in claim 23, 32 and 33 is the pool where the leaky fuel rods are deposited. There is no indication that socket 40 of Kraus is placed in any such pool, and the Office Action fails to address this limitation.

In addition, the Office Action fails to address the limitation of “inserting the leaky fuel rods *in the pool* one by one into empty ones of the plurality of capsules” but rather states a leaky fuel rod coming from a fuel assembly, without addressing the pool limitation.

The Office Action also seems to have not addressed the limitation of “being deposited underwater in a pool” and at minimum a new Office Action addressing this language is respectfully requested.

Furthermore, it is respectfully submitted that, even if Kraus could be combined with Georgii (and it is respectfully submitted that it could not) the claimed limitations would not be met. If Georgii is used for the transporting and storage limitations as it appears, there would be no reason to add “a plurality of capsules in the loading structure” as claimed, since the socket 40 is not moved. Thus still, in the combination, there would not be a plurality of capsules in the loading structure, but rather at the transporting step. Moreover, there appears to be no reason or motivation, save for improper hindsight, to modify the socket 40 in view of Georgii, which is a transport device.

With further respect to claim 33, the Office Action at paragraph 6 seems to be old, as the translation has been ordered and the second paragraph rejection to claim 33 is no longer present. With further respect to claim 33, the language at page 9 in the Office Action at the bottom that “the quiver is placed in the pool and the capsule is placed in the quiver...” is *it is respectfully submitted* incorrect. Quiver or socket 40 is not placed in any pool, but rather has water inside it.

Withdrawal of the rejection to claims 23, 32 and 33 under 35 U.S.C. §103(a), is respectfully requested.


CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully Submitted,
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